

21

IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No. 79/1 of 2021
Date of Institution: 22/04/2021
Date of Decision: 16/11/2021

Mst: Bibi Durani W/O Muhammad Rafiq
R/O Qoum Sheikhan, Tappa Bazid Khel, Tehsil Lower, District
L/Orakzai.

(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **The Deputy Registrar General, Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

Through
Assistant Director, NADRA, Orakzai

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

16.11.2021

1. Brief facts of the case in hand are that the plaintiff, **Mst: Bibi Durani**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1962** while it has been wrongly mentioned as 01.01.1972 in her CNIC by the defendants, because, the date of birth of her elder son namely Gul Shareef, is 01.02.1979 and that there is a difference of 07 years between the plaintiff and her elder son which is un-natural, wrong, ineffective

upon the rights of the plaintiff and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Syed Farhat Abbas, who submitted written statement.
3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

- a. Deal with the cases justly and fairly;
- b. Encourage parties to alternate dispute resolution procedure if it considers appropriate;
- c. Save expense and time both of courts and litigants; and
- d. Enforce compliance with provisions of this Code."

Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of her date of birth to the effect that her correct

date of birth is **01.01.1962**, while it has been wrongly mentioned as 01.02.1979 in her CNIC by the defendants, because her elder son namely Gul Shareef is born on, 01.02.1979 and that there is a difference of 07 years between the plaintiff and her elder son which is un-natural, wrong and ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced the copies of her CNIC, husband CNIC and her elder son's CNIC wherein the CNIC of the plaintiff's elder son, the date of birth has been mentioned as **01.02.1979**. So, the date of birth in CNIC of the elder son of the plaintiff clearly negates the incorporation of her date of birth as 01.01.1972 in her CNIC because naturally it is not possible to have son in around 07 years of age. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of her stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed

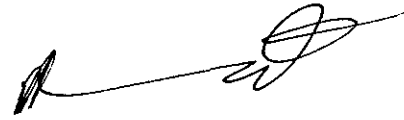
24

as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1962** in their record and in the CNIC of the plaintiff.

6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

Announced

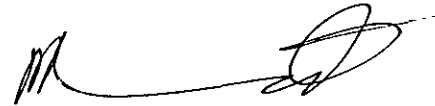
16.11.2021



(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of **04 (Four)** pages, each has been checked, corrected where necessary and signed by me.



(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai